

### **REMARKS**

Applicants thank the Examiner for total consideration given the present application. Claims 1-10 were pending prior to the Office Action. Claims 1, 2, and 5-10 have been amended and claims 11-13 have been added through this Reply. Therefore, claims 1-13 are pending. Claim 1 is independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

### **STATEMENT OF INTERVIEW**

Applicants thank the Examiner for the personal interview conducted on August 14, 2007. During the interview, the Examiner maintained that Chiba (US 6,411,552 B1) (hereinafter "Chiba") substantially teaches all claimed features in claim 1. Specifically in regards to "allocating a specific area having a frequently changing information to a first block of the plurality of blocks," the Examiner directed to col. 16, lines 37-46 and Figures 4 and 16 in Chiba. The Examiner reasoned that Chiba's FAT and directory allocation as shown in Figures 4 and 16 are allocated in the same cluster or cluster group and the information in each block or cluster of blocks is recorded and erased.

In regards to claimed feature "disabling remaining unused pages in the first block when said allocating step allocates the frequently changing information to the first block", the Examiner reasoned that Chiba's FAT and allocation inherently meets the feature above. More specifically, the Examiner stated that Chiba's allocated block includes unused pages. The Examiner added that the unused pages are effectively disabled since the unused block is unavailable to write or store data.

In regards to rejection under 35 U.S.C. § 103(a) based on Chiba in view of Lakhani et al. (US 7,123,512 B2) (hereinafter "Lakhani"), no agreement was reached.

In regards 35 U.S.C. § 112, 2<sup>nd</sup> paragraph rejection, the Examiner indicated that the draft amendment would overcome 35 U.S.C. § 112, 2<sup>nd</sup> paragraph rejection.

35 U.S.C. § 112, 2ND PARAGRAPH REJECTION

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claims 1 and 5-10 have been amended to clarify the scope of the invention. Claims 1 and 5-10 have been amended merely to address informal issues and to enhance clarity. It is intended that the scope of the claims remain substantially the same. Applicants respectfully submit that the amendments made to the specification and claims do not add any new matter to the application and they are not narrowing, and are not made for a reason relating to patentability. Applicants respectfully request that the 35 U.S.C. § 112, second paragraph rejection of claims 1-10 be withdrawn.

35 U.S.C. § 103 REJECTION – CHIBA IN VIEW OF LAKHANI ET AL.

Claims 1, 2, 5, and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chiba in view of Lakhani. Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, claim 1 recites “A method of recording and reproducing information in which a recording area of a recording medium is physically divided into plurality of blocks and each block is partitioned into plurality of pages comprising steps of: ... *allocating a specific area having frequently changing information to a first block of the plurality of blocks; and disabling remaining unused pages in the first block when said allocating step allocates the frequently changing information to the first block.*”

Chiba teaches a memory allocation system, which includes a block erasing type memory device including plurality of blocks. The block erasing type memory device is capable of erasing

stored data collectively in units of one block and data processing means for accessing the block erasing type memory device. The data processing means includes a formatting portion connected to the block erasing type memory device according to formatting information for substantially coinciding size and position of a cluster as a logical unit of a memory region of the block erasing type memory device (col. 2, lines 11-38; col. 5, 50-60). However, Chiba fails to teach or suggest *“allocating a specific area having frequently changing information to a first block of the plurality of blocks,”* as recited in claim 1. In addition, Chiba fails to teach or suggest *“disabling remaining pages in the first block when said allocating step allocates the frequently changing information to the first block,”* as recited in claim 1.

The Office Action alleges that Lakhani teaches the missing feature in Chiba. More specifically, the Office Action asserts that Lakhani teaches a method of disabling defective pages in the block. The Office Action also alleges that it would have been obvious to apply Lakhani’s disabling method to Chiba’s memory allocation method.

Applicants would like to point out that Lakhani’s disabling method is used to suppress user access to defective memory blocks while the memory block is being repaired (col. 12, lines 1-15). Lakhani does not teach or suggest that the disabling “remaining pages in the first block when said allocating step allocates the frequently changing information to the first block.”

Therefore, Applicants respectfully request that rejection based on Chiba in view of Lakhani be withdrawn.

35 U.S.C. § 103 REJECTION – CHIBA AND LAKHANI ET AL. AND FURTHER IN VIEW OF ESTAKHRI ET AL.

Claims 1, 2, 5, and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chiba and Lakhani further in view of Estakhri et al. (US 6,978,342 B1) (hereinafter “Estakhri”). Applicants respectfully traverse.

As presented above, Chiba and Lakhani fail to teach or suggest *“allocating a specific area having frequently changing information to a first block of the plurality of blocks.”* In

addition, Chiba and Lakhani fail to teach or suggest “*disabling remaining pages in the first block when said allocating step allocates the frequently changing information to the first block*”, as recited in claim 1. In addition, Estakhri fails to teach or suggest the above limitation to supplement Chiba and Lakhani’s missing feature.

Accordingly, as set forth on page 6 of the Office Action, the Examiner relies on Estakhri as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner’s reliance on Estakhri, however, fails to make up for the deficiencies of Chiba and Lakhani discussed above with respect to Claim 1. Therefore, the asserted combination of Chiba and Lakhani and Estakhri (assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

#### NEW CLAIMS

Claims 11-13 have been added through this reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination.

Claims 11-13 depend from independent claim 1. Therefore, these dependent claims are also distinguishable over the cited references for at least the reasons stated with respect to claim 1.

Applicant respectfully requests that the claims 11-13 be allowed.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata Reg. No. 39, 491 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: October 3, 2007

Respectfully submitted,

By 

Michael R. Cammarata

Registration No.: 39,491

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant